

## **REMARKS**

### **Status**

This Amendment is responsive to the Office Action dated April 26, 2005, in which Claims 2-3 and 5 were rejected and Claim 4 was objected to. Claims 1, 6, and 7 have been canceled; Claims 2, 4, and 5 have been amended; and no new claims have been added. Accordingly, Claims 2-5 are pending in the application, and are presented for reconsideration and allowance.

### **Specification**

The disclosure is objected to because Page 5, line 28 describes the “Z axis”, but is not shown on the drawings. Figure 3 has been amended to show the Z axis. Accordingly, withdrawal of this objection is respectfully requested.

The disclosure is objected to because element 110 is not shown on the drawings. Figure 18 is amended to indicate element 110. Accordingly, withdrawal of this objection is respectfully requested.

### **Claim Objections**

Claim 2 is objected to because of the repetition of the phrase “without .... assemblies”. Claim 2 has been amended to correct this clerical error. Withdrawal of the objection is respectfully requested.

### **Claim Rejection - 35 USC 112**

Claim 5 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 has been amended to correct the antecedent basis for “the end points”. Withdrawal of this rejection is respectfully requested.

### **Allowable Subject Matter**

The Office Action indicates that Claim 4 is objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claim 4 has been rewritten as an independent claim, and as rewritten, is believed to be in condition for allowance.

The Office Action indicates that Claim 5 is rejected, but would be allowable if rewritten to overcome the rejection under 35 USC 112 and include all of the limitations of the base claim and any intervening claims. Claim 5 has been rewritten as an independent claim, and as rewritten, is believed to be in condition for allowance.

### **Claim Rejection - 35 USC 102**

Claims 2 and 3 stand rejected under 35 USC 102 as being anticipated by US Patent No. 6,473,205 (*Pepe*). This rejection is respectfully traversed.

*Pepe* is directed to an image sensor sub-assembly. *Pepe* does not teach a planar member having a linear scanline slot, as claimed in independent Claim 2. Rather, *Pepe* discloses a sensor array 134 disposed within an aperture 182. Such a sensor array positioned within an aperture is not a linear scanline slot as claimed by Applicant.

Further, *Pepe* does not teach elements which vertically adjust the planar member as claimed by Claim 2. As can be clearly seen in *Pepe*'s Figure 4, *Pepe*'s set screws 170, 172, and 174 operate in the x-y plane. As to *Pepe*'s set screws 164, 166, and 168, these set screws rotate the image sensor relative to the x-axis (see Figure 3 and Col 5, lines 14-16), and as such, do not vertically adjust the planar member. Further, *Pepe*'s bolts 320, 322, and 324 do not provide vertical adjustment. As stated at Col 6, lines 64-67, these bolts are employed to secure the arrangement.

As such, *Pepe* does not teach or disclose the claimed feature of three vertically adjustable leveler assemblies located at three apexes of a triangle which enclose the slot and which has sides which establish axes about which vertical adjustment of the leveler assemblies is carried out to bring the bottom surface of the planar member parallel to and at a known height from a known planar surface.

Claim 3 is dependent on Claim 2, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 2, Claim 3 is also believed to be patentable.


## Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Registration No. 39,324

Susan L. Parulski/law  
Rochester, NY 14650-2201  
Telephone: (585) 477-4027  
Facsimile: (585) 477-4646

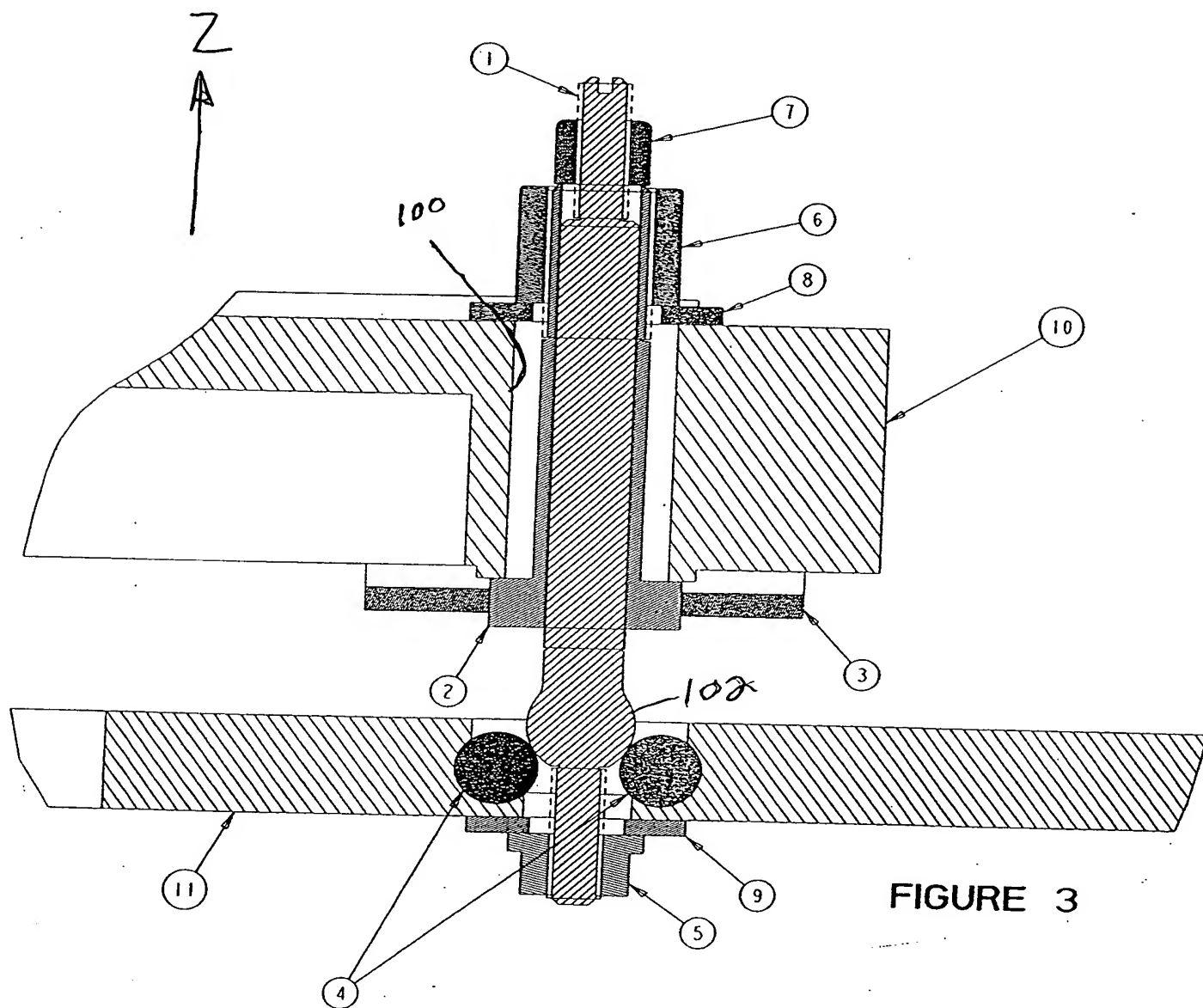
Enclosures: Replacement Figure 3  
Annotated Sheet Showing Changes to Figure 3  
Replacement Figure 18  
Annotated Sheet Showing Changes to Figure 18

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 3 (Fig. 3). This sheet replaces the original Figure 3. As shown in the Annotated Sheet Showing Changes, a Z axis is now included in the figure, as requested by the Examiner. Approval by the Examiner is respectfully requested.

The attached sheet of drawings includes changes to Figure 18 (Fig. 18). This sheet replaces the original Figure 18. As shown in the Annotated Sheet Showing Changes, element 11 is now correctly identified as element 110. Approval by the Examiner is respectfully requested.

Attachment: Replacement Figure 3  
Annotated Sheet Showing Changes to Figure 3  
Replacement Figure 18  
Annotated Sheet Showing Changes to Figure 18



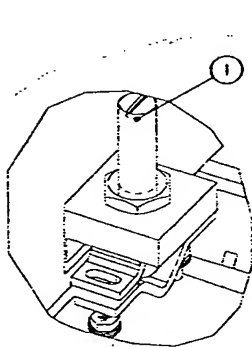
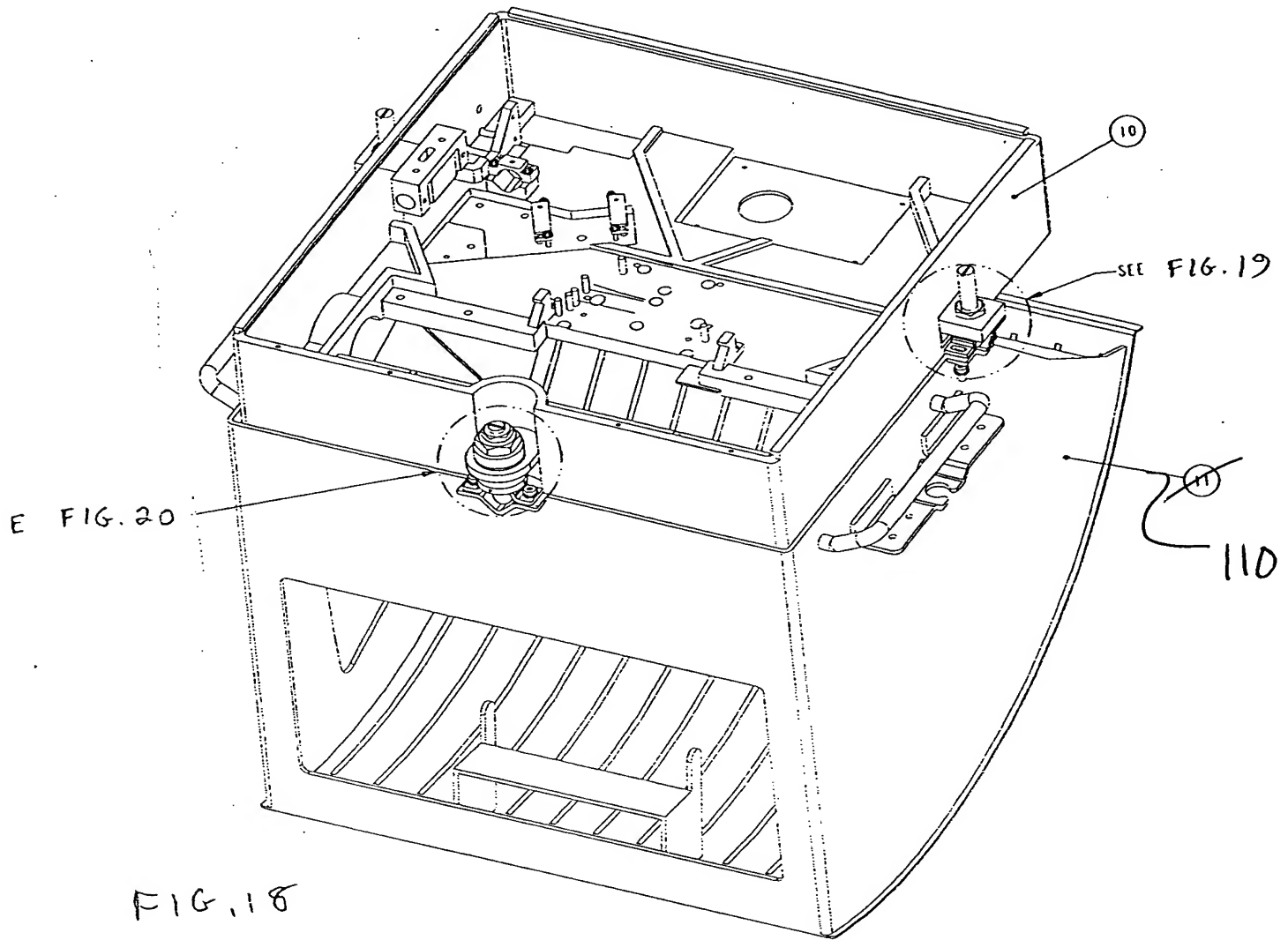


FIG. 19

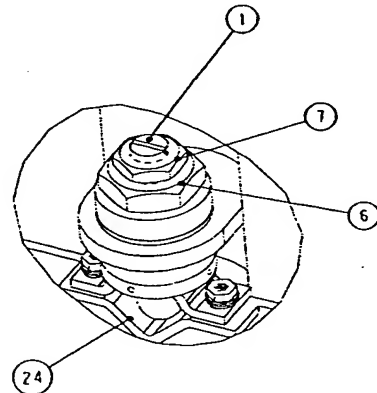


FIG. 20